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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,597	10/24/2003	Hsien-Chang Lin	4459-0154P	7298

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EXAMINER

GARRETT, DAWN L

ART UNIT PAPER NUMBER

1774

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/691,597

**Applicant(s)**

LIN ET AL.

**Examiner**

Dawn Garrett

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10-24-03</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4, 11, 15, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claims 4, 11, 15, and 21 recite the broad recitation "alkaline metal compound", and the claim also recites "alkaline metal oxide compound" which is the narrower statement of the limitation. Also claims 4, 11, 15, and 21 recite the broad recitation "alkaline earth metal compound", and the claim also recites "alkaline earth metal oxide compound" which is the narrower statement of the limitation.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawami et al. (US 5,882,761). Examples 1-4 shown in columns 5 and 6 disclose an organic EL element comprising drying substances (8) BaO and CaO (which are alkaline earth metal oxides), calcium sulfate, and calcium chloride (a metal halide) per the present “drying film” bonded to a glass sealing case (7). The glass sealing case reads upon the present “lid”. An ITO electrode, organic luminescent layer, and cathode form a laminate body contained in the sealing case (see Figure 1 and lines 23-32).

5. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi et al. (US 2002/0015818). Takahashi et al. exemplifies organic EL elements comprising CaO (an alkaline earth metal oxide) and an organometallic compound as desiccant materials (per instant claims 4, 11, 15, and 21) disposed on the lid covering the EL element (see Examples, page 9). The deposition method for forming the desiccant film is an evaporation method per instant claims 9 and 19 (see Examples, par. 99 and 102).

With regard to claims 6, 13, and 17, the Takahashi et al. device embodiment shown in Figure 3 and described in Example 6 comprises a drying layer (37) that is made of an

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organometallic material and caps the first electrode, the organic functional layer and the second electrode (see par. 104-107 and Figure 3). With regard to claims 12 and 16, the Takahashi et al. device embodiment shown in Figure 3 and described in Example 6 further comprises a non-permeable layer (33) comprised of resin. The Takahashi et al. layer (33) is deemed to anticipate the "passivation film" recited in claims 12 and 16.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 5, and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawami et al. (US 5,882,761). The rejection of claim 1 over Kawami et al. is relied upon as set forth above. Kawami et al. teaches organic electroluminescent devices comprising desiccant materials disposed in a container which seals the electroluminescent device from the atmosphere (see abstract and figures). With regard to claims 4 and 11, Kawami et al. teaches the desiccant material may be comprised of an alkaline metal oxide compound, an alkaline earth metal oxide compound, sulfate, metal halide, perchlorate or an organic substance (see col. 3, lines 51-58). While Kawami et al. exemplifies the use of alkaline earth metal oxide compounds, a sulfate compound, and a metal halide as desiccants in the examples, Kawami et al. fails to *exemplify* an alkaline metal oxide compound, perchlorate or an organic substance as the desiccant material. It would have been obvious to one of ordinary skill in the art to have selected an alkaline metal oxide compound, perchlorate or an organic substance as the desiccant material for a device

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according to the teachings of Kawami et al., because Kawami et al. teaches these materials are equivalent as desiccant materials to alkaline earth oxide compounds, sulfates, and metal halides as shown in the examples. With regard to claims 5 and 7-10, Kawami et al. teaches methods of forming a film of the drying substance (8) including vacuum vapor deposition, sputtering, and spinner-coating.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is 571-272-1523. The examiner can normally be reached Monday through Friday during normal business hours. Please allow the examiner twenty-four hours to return your call.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached at 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Dawn Garrett  
Primary Examiner  
Art Unit 1774

D.G.  
September 29, 2004